

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

VINCENT WAYNE MCGEE, )  
                            )  
Petitioner,             )  
                            )  
vs.                      )                          Case No. CIV-10-948-M  
                            )  
JAMES RUDEK, WARDEN, )  
                            )  
Respondent.            )

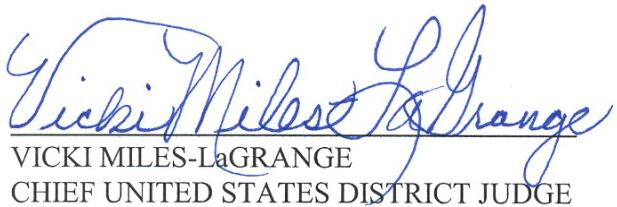
**ORDER**

On August 2, 2011, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss be granted and the petition be dismissed as untimely. Petitioner was advised of his right to object to the Report and Recommendation by August 22, 2011. On August 23, 2011, petitioner filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 2, 2011;
- (2) GRANTS respondent's motion to dismiss [docket no. 16], and
- (3) DISMISSES the petition for a writ of habeas corpus as untimely.

**IT IS SO ORDERED this 30th day of August, 2011.**



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VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE